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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107
27975	7590	06/22/2006	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,871

Applicant(s)

ROY, SHAIBAL

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. Applicant has filed an RCE 5/2/06. Please note applicant amendment to the claims has cause 112 issues which are addressed bellow.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended to include the limitation "without device initiated commands..." which is not presently supported by the specification, and applicant has not pointed out where in the specification support can be found for the limitation. Examiner has reviewed pages 39-50 as suggested by remarks filed 11/4/05 but no support is found.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “protocols” in claims 1-33 is used by the claim to mean “The protocol engine module may also poll the data storage devices for UIDs of

data files stored thereon, and cooperate with the protocol converter module to provide UIDs for respective data files to the MWCDs upon receiving access requests therefrom.”, while the accepted meaning is “a software program that enables a computer to connect with another computer and to exchange information.” The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 29-33 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Rejected claim(s) do not clearly define the claimed invention as a tangible embodiment therefore claim(s) are non-statutory applicant is suggested "a computer readable medium on a tangible embodiment".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Publication 2003/0004955 Cedola et al. in view of Hoglund et al. (Patent

Application Publication 2002/0026513).

For claim 1, Cedola et al. discloses, a communications system comprising:

a plurality of mobile wireless communications devices each using at least one of a plurality of different operating protocols to send at least one access request; (Cedola, figure 3, paragraph 29)

a plurality of data storage devices for storing data files, each data file being associated with a respective mobile wireless communications device (Cedola, figure 3, paragraphs 36-38), each data file having a unique identification (UID)

associated therewith, (Cedola, figures 4-6, paragraphs 36-38) and each data storage device using at least one of the plurality of different operating protocols; and (Cedola, figure 3, paragraph 29)

a protocol interface device comprising a protocol converter module for communicating with said plurality of mobile wireless communications devices using respective operating protocols thereof, (Cedola, paragraph 27, 29, 39) and a protocol engine module for communicating with said plurality of data storage devices using respective operating protocols thereof, (Cedola, figure 3, paragraph 27, 29, 39) said protocol engine module also for polling said data storage devices for UIDs of data files stored thereon, (Cedola, figure 2, paragraphs 36-38, 41-44) and for cooperating with said protocol converter module to provide UIDs for respective data files to said mobile wireless communications devices upon receiving access requests therefrom. (Cedola, figure 2, paragraphs 36-38, 41-44)

Cedola does not disclose clearly, wherein said polling occurs without device initiated commands whether there is or is not communication with a mobile wireless communication device to maintain UID's

Hoglund, in the same field of endeavor, teaches, wherein said polling occurs without device initiated commands whether there is or is not communication with a mobile wireless communication device to maintain UID's (Hoglund, paragraphs 34-36)

Cedola is compatible with Hoglund, because, Cedola allows for a mobile communication service provider and Hoglund allows to be supported by a service provider. (Hoglund, paragraph 25) (Cedola, paragraph 28)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to Cedola with Hoglund, because Hoglund provides the advantage allows users to utilize the wireless communication device to check messages stored within, for example, a separate POP or IMAP e-mail or data account. (Hoglund, paragraph 30)

For claim 2, Cedola-Hoglund teaches, wherein said protocol engine module detects new data files stored on said data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to (Cedola, abstract, figure 3, figures 4-6, figure 7, paragraph 4, paragraph 27, paragraph 28, paragraphs 36-38, paragraph 39, paragraphs 41-44)

send alert notifications to respective mobile wireless communications devices upon detecting new data files therefor. (Hoglund, paragraph 39) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Cedola-Hoglund teaches, wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (Cedola, paragraphs 36-38, paragraph 39, paragraphs 41-44)

For claim 4, Cedola-Hoglund teaches, wherein said protocol engine module polls said data storage devices only for UIDs. (Cedola, paragraphs 36-38, paragraph 39, paragraphs 41-44)

For claim 5, Cedola-Hoglund teaches, wherein said protocol engine module polls said data storage devices based upon a static polling interval. (Hoglund, paragraphs 34-35) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 5.

For claim 6, Cedola-Hoglund teaches, wherein said protocol engine module polls said data storage devices based upon an adaptive polling interval. (Hoglund, paragraphs 34-35) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 6.

For claim 7, Cedola-Hoglund teaches, wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Cedola, paragraph 39)

For claim 8, Cedola-Hoglund teaches, wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol. (Cedola, abstract, paragraph 3, paragraph 29)

For claim 9, Cedola-Hoglund teaches, wherein said plurality of data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process electronic mail (e-mail) messages. (Cedola, paragraph 27)

For claim 10, Cedola-Hoglund teaches, further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Cedola, paragraph 27, paragraph 28, figures 4-6)

For claim 11, Cedola-Hoglund teaches, further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device. (Cedola, paragraph 27, paragraph 28, figures 4-6)

Claims 12-33 list all the same elements of claims 1-11, but in interface, method and medium, form rather than system form. Therefore, the supporting rationale of the rejection to claims 1-11 applies equally as well to claims 12-33.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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